

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. CANDICE BALDWIN

Plaintiff,

v.

MILLERSVILLE UNIVERSITY,

Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:

CIVIL ACTION

NO. 18-3257

**DEFENDANT MILLERSVILLE UNIVERSITY'S  
ANSWER TO THE COMPLAINT**

Defendant Millerville University, by the undersigned counsel, hereby answers Plaintiff's Complaint as follows:

**THE PARTIES**

1. This is an incorporation paragraph, to which no response is required.
2. Admitted.
3. Defendant lacks sufficient knowledge and information to form a belief as to the truth of these allegations; they are thus denied.
4. Admitted.
5. Admitted.
6. These allegations constitute conclusions of law to which no response is required.

**JURISDICTION AND VENUE**

7. This is an incorporation paragraph, to which no response is required.
8. These allegations constitute conclusions of law to which no response is required.
9. These allegations constitute conclusions of law to which no response is required.
10. These allegations constitute conclusions of law to which no response is required.

11. These allegations constitute conclusions of law to which no response is required.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12. This is an incorporation paragraph, to which no response is required.

13. These allegations constitute conclusions of law to which no response is required.

14. Admitted.

15. Defendant lacks sufficient knowledge and information to form a belief as to the truth of these allegations; they are thus denied.

16. Defendant lacks sufficient knowledge and information to form a belief as to the truth of these allegations; they are thus denied.

17. Defendant lacks sufficient knowledge and information to form a belief as to the truth of these allegations; they are thus denied.

**FACTUAL SUMMARY**

18. This is an incorporation paragraph, to which no response is required.

19. Admitted.

20. Admitted.

21. Denied.

22. Denied as written. Admitted that Plaintiff's position as Assistant Vice President for Student Success and Retention was contingent on successful completion of a probationary period. The remaining allegations are denied as written.

23. Admitted.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied as written. Admitted that Plaintiff met with Defendant's Human Resources Department on or around November 2, 2016. The remaining allegations are denied as written.

34. Denied as written. Admitted that, on or around November 8, 2016, Defendant extended Plaintiff's probationary period due to performance concerns. The remaining allegations are denied as written.

35. Denied.

36. Denied as written. Admitted that Defendant scheduled a meeting between Plaintiff and her Supervisor. The remaining allegations are denied as written.

37. Denied as written. Admitted that Defendant was informed that she was being placed on Administrative Leave with full pay and benefits while further investigation was done with regards to the plagiarism. The remaining allegations are denied as written.

38. Admitted.

39. Denied.

40. Admitted.

41. Denied.

**COUNT I – RETALIATION**  
**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

- 42. This is an incorporation paragraph, to which no response is required.
- 43. These allegations constitute conclusions of law to which on response is required.
- 44. These allegations constitute conclusions of law to which on response is required.
- 45. These allegations constitute conclusions of law to which on response is required.
- 46. These allegations constitute conclusions of law to which on response is required.

**COUNT II – RETALIATION**  
**THE PENNSYLVANIA HUMAN RELATIONS ACT**

- 47. This is an incorporation paragraph, to which no response is required.
- 48. These allegations constitute conclusions of law to which on response is required.
- 49. These allegations constitute conclusions of law to which on response is required.
- 50. These allegations constitute conclusions of law to which on response is required.
- 51. These allegations constitute conclusions of law to which on response is required.

**COUNT III – RACE DISCRIMINATION – DISPARATE TREATMENT**  
**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

- 52. This is an incorporation paragraph, to which no response is required.
- 53. These allegations constitute conclusions of law to which on response is required.
- 54. These allegations constitute conclusions of law to which on response is required.
- 55. These allegations constitute conclusions of law to which on response is required.
- 56. These allegations constitute conclusions of law to which on response is required.
- 57. These allegations constitute conclusions of law to which on response is required.
- 58. These allegations constitute conclusions of law to which on response is required.
- 59. These allegations constitute conclusions of law to which on response is required.

**COUNT IV – RACE DISCRIMINATION – DISPARATE TREATMENT  
THE PENNSYLVANIA HUMAN RELATIONS ACT**

- 60. This is an incorporation paragraph, to which no response is required.
- 61. These allegations constitute conclusions of law to which on response is required.
- 62. These allegations constitute conclusions of law to which on response is required.

**COUNT V – RACE DISCRIMINATION – HOSTILE WORK ENVIRONMENT  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

- 63. This is an incorporation paragraph, to which no response is required.
- 64. These allegations constitute conclusions of law to which on response is required.

**COUNT VI – RACE DISCRIMINATION – HOSTILE WORK ENVIRONMENT  
THE PENNSYLVANIA HUMAN RELATIONS ACT**

- 65. This is an incorporation paragraph, to which no response is required.
- 66. These allegations constitute conclusions of law to which on response is required.

**COUNT VII  
42 U.S.C § 1981**

- 67. This is an incorporation paragraph, to which no response is required.
- 68. These allegations constitute conclusions of law to which on response is required.
- 69. These allegations constitute conclusions of law to which on response is required.
- 70. These allegations constitute conclusions of law to which on response is required.
- 71. These allegations constitute conclusions of law to which on response is required.

**AFFIRMATIVE DEFENSES**

- 1. Any claim against Defendant under 42 U.S.C. § 1981 is barred by Eleventh Amendment Immunity.
- 2. 42 U.S.C. § 1981 does not create a private cause of action

JOSH SHAPIRO  
ATTORNEY GENERAL

Office of Attorney General  
1600 Arch Street, Suite 300  
Philadelphia, PA 19103  
Phone: (215) 560-2141  
Fax: (717) 772-4526

BY: /s/ Kathy A. Le  
KATHY A. LE  
Deputy Attorney General  
Attorney I.D. No. 315677

KELI M. NEARY  
Chief Deputy Attorney General  
Chief, Civil Litigation Section

Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. CANDICE BALDWIN

Plaintiff,

v.

MILLERSVILLE UNIVERSITY,

Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:

CIVIL ACTION

NO. 18-3257

**CERTIFICATE OF SERVICE**

I, Kathy A. Le, hereby certify that on October 2, 2018, Defendant Millersville University's Answer to the Complaint has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System ("ECF"). The ECF System's electronic service of the Notice of Electronic Case Filing constitutes service on all parties who have consented to electronic service.

BY: /s/ Kathy A. Le  
KATHY A. LE  
Deputy Attorney General